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CAESARS ENTERTAINMENT, INC. AND PARIS  
LAS VEGAS OPERATING CO., LLC

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

LEANN MERCER, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

CAESARS ENTERTAINMENT, INC.; PARIS  
LAS VEGAS OPERATING CO., LLC; and  
DOES 1 through 50, inclusive,

Defendants.

Case No. 2:23-cv-00958-MMD-NJK

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND STAY OF  
PROCEEDINGS FOR 45 DAYS TO  
PERMIT TIME FOR ADDITIONAL  
MEDIATION EFFORTS**

**[THIRD REQUEST]**

Plaintiff, LEANN MERCER (“Plaintiff”), and Defendants, CAESARS  
ENTERTAINMENT, INC. (“Caesars”) and PARIS LAS VEGAS OPERATING CO., LLC  
 (“Paris”) (“Defendants”) (together, the “Parties”), by and through their undersigned counsel, hereby  
agree and stipulate to extend the current stay of all proceedings in this matter by **forty-five (45)**  
**days** from the current expiration date of December 20, 2023 up to and including Monday, February  
5, 2024<sup>1</sup> to permit time for the Parties to continue their mediation efforts.

<sup>1</sup> Forty-five (45) days from December 20, 2023 falls on Saturday, February 3, 2024. Per Fed. R.  
Civ. P. 6(a)(1)(C) the stay will therefore be extended up to and including Monday, February 5,  
2024.

1           The purpose of the instant stipulation is to promote judicial economy and permit this Court  
 2 to effectively control the disposition of cases on its docket with economy of time and effort for  
 3 itself, counsel, and the litigants. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power  
 4 to stay proceedings is incidental to the power inherent in every court to control the dispositions of  
 5 the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”);  
 6 *Pate v. DePay Orthopedics, Inc.*, No. 2:12-cv-01168-MMD-CWH, 2012 WL 3532780, \*2 (D. Nev.  
 7 Aug. 14, 2012) (“A trial court may, with propriety, find it is efficient for its own docket and the  
 8 fairest course for the parties to enter a stay of an action before it, pending resolution of independent  
 9 proceedings which bear upon the case.”) (internal citations omitted). In evaluating whether to stay  
 10 proceedings, the Court should look at the competing interests of the parties and of the Court,  
 11 including “possible damage which may result in granting the stay, the hardship or inequity which  
 12 a party may suffer in being required to go forward, and the orderly course of justice measured in  
 13 terms of simplifying or complicating of issues, proof, and questions of law which could expected  
 14 to result from a stay.” *Coker v. Dowd*, No. 2:13-cv-0994-JCM-NJK, 2013 WL 12216682, \*1 (D.  
 15 Nev. Jul. 8, 2013) (granting joint motion to stay all proceedings pending mediation), quoting  
 16 *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005).

17           As noted in the Parties’ prior stipulation to extend the stay of proceedings (ECF No. 11)  
 18 from November 20, 2023, up to and including December 20, 2023, the Parties engaged in private  
 19 mediation on Wednesday, October 25, 2023, and agreed to reconvene for an additional mediation  
 20 session on Tuesday, November 21, 2023, however the continued mediation date has since been  
 21 rescheduled to Monday, January 15, 2024 which was the next earliest availability of all parties and  
 22 the mediator. The Parties continue to agree that through ongoing mediation efforts the Parties may  
 23 be able to resolve the matter entirely and avoid unnecessary litigation costs and waste of judicial  
 24 resources. Because the stay currently expires on December 20, 2023, the Parties agree that an  
 25 additional forty-five (45) day extension of the current stay of all proceedings, up to and including  
 26 Monday, February 5, 2024, is warranted so that the Parties can continue their efforts to resolve the  
 27 matter entirely without expending unnecessary litigation costs and efforts, and that neither Plaintiff  
 28 nor Defendants will be prejudiced by an extension of the current stay of proceedings.

1           The Parties further agree that they will each suffer an avoidable hardship – time and money  
2 spent litigating – if the matter is required to proceed prior to the additional mediation session  
3 scheduled for Monday, January 15, 2024. The Parties respectfully submit that extending the stay  
4 of proceedings until conclusion of the mediation will avoid the waste of judicial resources by  
5 simplifying or entirely disposing of the issues in this action.

6           Accordingly, the Parties agree and hereby stipulate that good cause exists to extend the  
7 current stay of all proceedings up to and including Monday, February 5, 2024. The Parties also  
8 agree, stipulate and hereby request that: (1) the current December 5, 2023 deadline for filing a joint  
9 status report be moved to fourteen (14) days after January 15, 2024; and (2) the December 20, 2023  
10 status check be rescheduled to a date on or after February 5, 2024. The Parties will file a joint status  
11 report informing the Court of the outcome of the mediation within fourteen (14) days of the January  
12 15, 2024, mediation session as follows:

- 13           1.       Should the Parties reach a settlement of all claims, the Parties will update the Court  
14 as to the tentative resolution and set forth a proposed briefing schedule for settlement approval; or
- 15           2.       Should the Parties be unsuccessful at resolving all claims, the Parties shall inform  
16 the Court which, if any, claims were not resolved and propose a scheduling order for the matter to  
17 proceed, including for Defendants’ responsive pleading and commencement of discovery.

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1 The instant stipulation is submitted in good faith to allow the parties to potentially resolve  
2 the matter entirely through private mediation and is not for the purpose of causing any undue delay.

3 **IT IS SO STIPULATED.**

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5 Dated: November 28, 2023

Dated: November 28, 2023

6 Respectfully submitted,

Respectfully submitted,

7 /s/ Joshua R. Hendrickson

/s/ Michael D. Dissinger

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13  
14 Attorneys for Plaintiff  
15 LEANN MERCER

Attorneys for Defendants  
CAESARS ENTERTAINMENT, INC. AND  
PARIS LAS VEGAS OPERATING CO.,  
LLC

16  
17 **IT IS SO ORDERED.**

18 Dated: November 29, 2023

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22 UNITED STATES DISTRICT JUDGE  
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